

# Lessons on Institutionalizing Participation to Achieve the Human Right to Water in California

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JUNE 30, 2016



## Community Water Center

Mission: Community Water Center (CWC) acts as a catalyst for community-driven water solutions through organizing, education and advocacy in California's San Joaquin Valley.

Vision: All communities have access to safe, clean, and affordable drinking water.

## California's Drinking Water Crisis

- In 2014, nearly a million Californian's received water that did not meet safe drinking water standards
- At least 296 small community water systems have consistently failed to provide safe drinking water for years or even decades
- More than 2,000 reported well failures state-wide, and rising.

## Why Participation?

Underlying causes:

1. Inadequate infrastructure
2. Inadequate institutional capacity
3. Drinking water sources contaminated and not protected
4. **Decision-makers not addressing community needs**

**Fundamentally, sustainable groundwater management will require the coordination and collaboration of all uses and users.**

## SGMA Requirements

The groundwater sustainability agency shall encourage the **active involvement** of diverse social, cultural, and economic elements of the population within the groundwater basin"

The groundwater sustainability agency shall consider the interests of all **beneficial uses and users** of groundwater

"A list of **interested parties** [shall be] developed [along with] an explanation of how their interests will be considered"

"The groundwater sustainability agency shall make available to the public and the department a written statement describing the **manner in which interested parties may participate in the development and implementation of the groundwater sustainability plan**"

"Any federally recognized Indian tribe... may voluntarily agree to participate in the preparation or administration of a groundwater sustainability plan or groundwater management plan ... **A participating tribe shall be eligible to participate fully** in planning, financing, and management under this part"

## Participation Successes

Building on existing relationships

- Past experiences working together has promoted cooperation in certain areas

SB 13- limiting GSAs to their jurisdictional boundaries

- In some cases requires the participation of small districts
- Incentivized outreach, in some cases for the first time

Grouping of DACs/Small potable water providers

- Collective representation, collective bargaining and cost sharing

Mitigating barriers

- Ongoing outreach
- Advanced notice of decision points to allow for more attendance and proxies

## Participation Challenges

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### Fragmentation/Preference for political boundaries

- Limited options for small districts
- Limits opportunities for collective participation

### Steep learning curve/Expert heavy process

- Limited ability to compensate with staff/consultants/counsel
- Meeting fatigue

### Timeline/Process

- Only method of protest is filing your own GSA
- Many communities signing agreements they don't like or fully understand due to rushed schedules caused by overlaps
- Incomplete stakeholder identification limits outreach from the outset

## Participation Challenges (cont.)

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### Limited shared understanding

- Continued assumptions that a lack of attendance at meetings equates a lack of interest
- Lack of understanding of the implications of SGMA has limited some board's interest

### Financial barriers

- Communities remaining white areas due to upfront costs and pay to play

### History

- Distrust of "system" based on IRWM experiences is preventing them from trusting a new institution.

## Participation Challenges in IRWM

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1. Governance: Lack of representation within IRWMs;
2. Lack of technical assistance
3. DWR's overall guidance undermines any incentive or leverage to effectively integrate DACs into the IRWMs;
4. Lack of effective outreach to DACs, time-consuming processes with often hostile or overly technical environments, and lack of experienced and perceived benefits to DACs has resulted in a continued marginalization of DACs in IRWMs;
5. IRWMs often exacerbate local power dynamics that perpetuate drinking water and other local water challenges for DACs;

## IRWM Involvement Efforts

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Proposition 84 - Eight DAC involvement pilot studies

Tulare Lake Basin Disadvantaged Community Water Study

Disadvantaged Community Visioning Workshop

## IRWM Recommendations

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- ✓ Identify Disadvantaged Communities, update and maintain database
- ✓ Promote increased understanding of Disadvantaged Communities
- ✓ Proactively develop and implement technical assistance and capacity building programs
- ✓ Support ongoing outreach and education
- ✓ Establish DAC coordinators to serve as points of contact and consultants to communities
- ✓ Create ombudsman positions that have adequate qualifications and understanding of disadvantaged communities' needs and the ability for thoughtful explanation to questions by community members who are dissatisfied with IRWM process.
- ✓ Require/incentivize opportunities for equitable participation and decision making inclusive of members of disadvantaged communities
- ✓ Identify funding sources to support involvement of members of disadvantaged communities

## SGMA Participation Priorities

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- Identification
- Education and outreach
- Coordination and financial support of community involvement
- Incentivize equitable participation and inclusive decision-making
- Capacity building
- Case studies and comparative learning
- Technical assistance

## Remaining Questions

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In addition to drinking water considerations, how could participation impact Groundwater Sustainability Plans (GSPs) and implementation?

Will accessible data and TA be available to meaningfully incorporate drinking water needs into measurable objectives and facilitate testing of alternatives?

How can we help under-resourced communities sustain meaningful participation?

How can effective participation be achieved in adjudications?

## Thank you!

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